

HOUSE BILL No. 1420

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-10-11.5; IC 35-38-2.6-6; IC 35-50-1-6; IC 35-50-6-8.

Synopsis: Credit time for crimes against children. Prohibits a person convicted of a crime against a child from receiving credit time.

Effective: July 1, 2004.

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January 20, 2004, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

HOUSE BILL No. 1420

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 11-10-11.5-10, AS ADDED BY P.L.273-1999,
2 SECTION 208, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2004]: Sec. 10. (a) **Except as provided in**
4 **subsection (b)**, a person assigned to a community transition program
5 continues to earn credit time during the person's assignment to a
6 community transition program.

7 **(b) A person may not receive credit time if a conviction for**
8 **which the person is assigned to a community transition program is**
9 **an offense against a child (as defined in IC 35-50-6-8).**

10 SECTION 2. IC 11-10-11.5-14, AS ADDED BY P.L.90-2000,
11 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2004]: Sec. 14. (a) A person assigned to a community
13 transition program is responsible for the person's medical care while in
14 the program. However, if the sentencing court finds that the person is
15 unable to pay for necessary medical care, the department shall provide
16 for the necessary medical care.

17 (b) The department, without a hearing, may transfer a person

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assigned to a community transition program to a facility operated by the department or another place determined by the department for medical treatment that is not covered by payments made by the offender or by insurance covering the offender.

(c) Whenever the department makes a transfer under subsection (b), the department may:

(1) reassign the offender from the community transition program to another facility or program; or

(2) continue the offender's assignment to the community transition program and return the offender to the community transition program upon the completion of the medical treatment.

(d) An offender who is transferred for medical treatment under subsection (b) continues to earn credit time during the period of the offender's medical treatment **unless the offender is ineligible to receive credit time under section 10(b) of this chapter.**

(e) The department shall adopt rules under IC 4-22-2 to implement this section.

SECTION 3. IC 35-38-2.6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. (a) As used in this subsection, "home" means the actual living area of the temporary or permanent residence of a person. The term does not include a:

- (1) hospital;
- (2) health care facility;
- (3) hospice;
- (4) group home;
- (5) maternity home;
- (6) residential treatment facility;
- (7) boarding house; or
- (8) public correctional facility.

Except as provided in subsection (b), a person who is placed in a community corrections program under this chapter is entitled to earn credit time under IC 35-50-6 unless the person is placed in the person's home.

(b) A person who is placed in a community corrections program under this chapter is not entitled to earn credit time under IC 35-50-6 if a conviction for which the person is placed in the community corrections program is an offense against a child (as defined in IC 35-50-6-8).

(c) A person who is placed in a community corrections program under this chapter may be deprived of earned credit time as provided under rules adopted by the department of correction under IC 4-22-2.

SECTION 4. IC 35-50-1-6, AS AMENDED BY P.L.1-2002,

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SECTION 151, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2004]: Sec. 6. (a) Before a person who has been
convicted of an offense and committed to the department of correction
is assigned to a department of correction program or facility under
IC 11-10-1, the sentencing court may recommend that the department
of correction place the person in a secure private facility (as defined in
IC 31-9-2-115) if:

(1) the person was less than sixteen (16) years of age on the date
of sentencing; and

(2) the court determines that the person would benefit from the
treatment offered by the facility.

(b) A secure private facility may terminate a placement and request
the department of correction to reassign a convicted person to another
department of correction facility or program.

(c) When a convicted person becomes twenty-one (21) years of age
or if a secure private facility terminates a placement under subsection
(b) a convicted person shall:

(1) be assigned to a department of correction facility or program
under IC 11-10-1-3(b); and

(2) serve the remainder of the sentence in the department of
correction facility or program.

(d) **Except as provided in subsection (e),** a person who is placed
in a secure private facility under this section:

(1) is entitled to earn credit time under IC 35-50-6; and

(2) may be deprived of earned credit time as provided under rules
adopted by the department of correction under IC 4-22-2.

**(e) A person who is placed in a secure private facility under this
section is not entitled to earn credit time under IC 35-50-6 if a
conviction for which the person is placed in the secure private
facility is an offense against a child (as defined in IC 35-50-6-8).**

SECTION 5. IC 35-50-6-8 IS ADDED TO THE INDIANA CODE
AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
1, 2004]: Sec. 8. (a) As used in this section, "offense against a child"
means the commission of a crime in which a person who is less than
eighteen (18) years of age at the time of the commission of the
crime suffers harm as a direct result of the commission of the
crime.

(b) Notwithstanding section 4 of this chapter, a person convicted
of an offense against a child is assigned to and must remain in
credit Class III for the entire executed part of the sentence for the
offense against a child. However, a person convicted of an offense
against a child may receive credit time for any period of

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1 imprisonment before sentencing for the offense against a child.

2 SECTION 6. [EFFECTIVE JULY 1, 2004] (a) IC 11-10-11.5-10,
3 IC 11-10-11.5-14, IC 35-38-2.6-6, and IC 35-50-1-6, all as amended
4 by this act, apply to an offense against a child committed after June
5 30, 2004.

6 (b) IC 35-50-6-8, as added by this act, applies to an offense
7 against a child committed after June 30, 2004.

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